

AMENDMENTS TO THE DRAWINGS

The drawings are amended pursuant to the Examiner's comments and more specifically with regard to reference number "24" for a closure which has been included on Figs. 1 and 2. Corrected drawing sheets are attached herein.

With respect to the reference number "34", which the Examiner has objected to as being shown in the drawings, but not mentioned in the specification, the Examiner is directed to a list of components on page 13, wherein number 34 is identified as a "cap outer surface".

REMARKS/ARGUMENTS

Claims 1-24 are pending in the application. Claims 13-17 have been previously withdrawn due to a Restriction Requirement, but the Applicant respectfully reserves the right to further pursue these claims in a divisional or a continuation application. The Applicant has further amended the drawings pursuant to the Examiner's comments to include the number "24" for the closure and as shown on replacement drawing Figs. 1 and 2. Additionally, the Abstract has been amended pursuant to the Examiner's comments and as set forth in MPEP §608.01(b).

The Examiner has rejected Claims 1-11 and 18-24 pursuant to 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,785,198 to Credle, Jr. ("Credle, Jr.") Furthermore, the Examiner has rejected Claim 12 pursuant to 35 U.S.C. §103(a) as being unpatentable over Credle, Jr. and stating that although Credle, Jr. does not disclosure the closure ring as a metallic material, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the container of Credle, Jr. having the enclosure ring a metallic material.

Credle, Jr., discloses a two piece lid closure which utilizes a skirt portion which engages a closure ring and which is interconnected on an upper edge to a cap portion. The rolled cap 24 of the lid 14 is snap fitted within the lid engaging portion 40. See column 3, lines 9-13. The Credle Jr., container is designed for use with a pressurized beverage container, as opposed to the Applicant's container which is generally used to store perishable foodstuffs in a vacuum. When the cap portion in Credle Jr. is turned in a first direction, the cap portion is forced downwardly on the neck of the container. When the cap portion is rotated in an opposite direction, the cap portion is lifted off the neck portion in a substantially uniform fashion, thus allowing the release of pressurized liquids and gas. The present invention as provided in the amended claims is distinct from Credle, Jr. since the skirt portion includes an upwardly oriented shoulder which engages a distinct portion of the cap as the skirt is rotated. The shoulder is not interconnected to the cap as disclosed in Credle, Jr. Rather, the shoulder drives that portion of the cap upwardly at an angle, thus releasing the vacuum in the

Application No. 10/622,958

container (after retorting), and allowing easy removal once the vacuum seal is broken.

Based upon the claim amendments provided herein, the application is now believed in condition for allowance and a Notice of Allowance and Issue Fee Due is respectfully requested at the Examiner's earliest convenience. Further, replacement sheets have been provided for Figs 1-2 pursuant to the Examiner's comments. If the Examiner would like to discuss the amendments or prior art in greater detail and/or the Applicant's invention in greater detail, the Examiner is encouraged to contact the undersigned attorney at the Examiner's earliest convenience.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 
Bruce A. Kugler
Registration No. 38,942
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: March 22, 2005

J:\1604\397\amendment and response.wpd